

Dmitri V. Medvedev
1912 Chula Vista Dr
Belmont, CA 94002
Tel. (650)596-8542
Cell (415)378-5297
Fax (650)472-8900
Email: dmitrim@yahoo.com
Plaintiff, PRO SE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SI

Dmitri V. Medvedev,

Plaintiff, PRO SE,

vs.

Michael Chertoff, Secretary of the
Department of Homeland Security;
Emilio T. Gonzalez, Director, United States
Citizenship and Immigration Services;
David N. Still, San Francisco District
Director, United States Citizenship and
Immigration Services, Department of
Homeland Security;
Robert S. Mueller, III, Director, Federal
Bureau of Investigation

Defendants.

Case No.

C 07

3452

PETITION FOR HEARING ON
NATURALIZATION APPLICATION
UNDER 8 U.S.C § 1447(b)

COME NOW Dmitri V. Medvedev, Plaintiff, PRO SE, in the above-styled and numbered cause, and for cause of action would show unto the Court the following:

1. This action is brought for a hearing to decide Plaintiff's naturalization application due to Defendants' failure to adjudicate the application within the 120 days after the first examination in violation of the Immigration and Nationality Act ("INA") § 336(b) and 8 U.S.C. § 1447(b).

PARTIES

2. Plaintiff Dmitri V. Medvedev, a citizen of Russia and born on May 12, 1971, is a lawful permanent resident of the United States (A# 075-730-651). Plaintiff filed the N-400 application for naturalization to the United States and was interviewed for his naturalization application on June 30, 2006. Defendants have failed to make a decision on the application within 120 days of the examination.

3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security (DHS), and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1.

4. Defendant Emilio T. Gonzalez is the Director of the United States Citizenship and Immigration Service (USCIS), an agency within the DHS to whom the Secretary's authority has in part been delegated and is subject to the Secretary's supervision. Defendant Director is generally charged with the overall administration of benefits and immigration services. 8 C.F.R. § 100.2(a)

5. Defendant David N. Still, San Francisco District Director, is an official of the USCIS generally charged with supervisory authority over all operations of the USCIS within his District with certain specific exceptions not relevant here. 8 C.F.R. §100.2(d)(2)(ii). As will be shown, Defendant Director is the official with whom Plaintiff's naturalization application remains pending.

13. Defendants, in violation of 8 U.S.C. § 1446, have failed to make a determination on Plaintiff's naturalization application within the 120-day period after the date of examination.

PRAYER

14. WHEREFORE, in view of the arguments and authority noted herein, Plaintiff respectfully prays that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order adjudicating the naturalization application. In the alternative, the Court may remand requiring Defendants to immediately adjudicate Plaintiff's naturalization application. In addition, Plaintiff prays for such further relief as this Honorable Court may deem just and proper.

Dated: July 2, 2007

Respectfully submitted,



Dmitri V. Medvedev

LIST OF ATTACHMENTS

<i>Exhibit</i>	<i>Description</i>
1	N-400 receipt notice, address change receipt notice, and naturalization interview results form N-652 showing date of interview on June 30, 2006
2	Inquiries responses regarding case status dated November 29, 2006, and March 14, 2007.

Exhibit 1



Receipt		NOTICE DATE March 22, 2006	
CASE TYPE N400 Application For Naturalization		INS A# A 075 730 651	
APPLICATION NUMBER WSC*001467845	RECEIVED DATE March 08, 2006	PRIORITY DATE March 08, 2006	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
DMITRI VLADISLAVOVICH MEDVEDEV
623 CANOE CT
REDWOOD CITY CA 94065

PAYMENT INFORMATION:
Single Application Fee: \$400.00
Total Amount Received: \$400.00
Total Balance Due: \$0.00

llllllllllllllllll

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: May 12, 1971
Address Where You Live: 623 CANOE CT
REDWOOD CITY CA 94065

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 460 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.


If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P.O BOX 10400
LAGUNA NIGUEL CA 92607-
WSC\$001575860

INS Customer Service Number:
(800) 375-5283

APPLICANT COPY





DMITRI MEDVEDEV
1912 CHULA VISTA DR
BELMONT, CA 94002

Received Date: 12-May-2006
Notice Date: 13-Jun-2006
Applicant Name: DMITRI MEDVEDEV
A-Number: 075730651
Main Phone #: 650-059-8542
Second Phone #:

Dear Applicant,

We have processed your change of address request and updated our systems to include your new address. Future correspondence from USCIS regarding your application will be sent to the mailing address on this notice.

Mailing Address

1912 CHULA VISTA DR
BELMONT, CA 94002

Residence Address

1912 CHULA VISTA DR
BELMONT, CA 94002

Thank you for using our new change of address by phone system. It is one of several new services that the USCIS is offering to improve the naturalization process and increase the satisfaction of our customers.

Internal use Only: Call Number 210339756 (NA) - Sensitive But Unclassified

U.S. Department of Justice
Immigration and Naturalization Service

Naturalization Interview Results

A#: A 075 730 651

On JUN 30 2006, you were interviewed by INS officer JOSEPH NAGLE.

- ☐ You passed the tests of English and U.S. history and government.
- ☐ You passed the test of U.S. history and government and the English language requirement was waived.
- ☐ The Service has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak / _____ read / _____ write English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on the Form N-14.
- ☐ INS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability / _____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this N-400. INS will send you a written decision about your application.

A) **Congratulations! Your application has been recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) **A decision cannot yet be made about your application.**

PENDING FOIA
SECURITY CHECKS

It is very important that you:

- ✓ Notify INS if you change your address.
- ✓ Come to any scheduled interview.
- ✓ Submit all requested documents.
- ✓ Send any questions about this application in writing to the officer named above. Include your full name, A-number, and a copy of this paper.
- ✓ Go to any oath ceremony that you are scheduled to attend.
- ✓ Notify INS as soon as possible in writing if you cannot come to any scheduled interview or oath ceremony. Include a copy of this paper and a copy of the scheduling notice.

Exhibit 2

U.S. Department of Homeland Security
USCIS
630 Sansome Street
San Francisco, CA 94111



U.S. Citizenship and Immigration Services

Wednesday, November 29, 2006

DMITRI MEDVEDEV
1912 CHULA VISTA DR
BELMONT CA 94002

Dear DMITRI MEDVEDEV:

On 11/29/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Information not available
Case type:	N400
Filing date:	Information not available
Receipt #:	WSC-00-146-7845
Beneficiary (if you filed for someone else):	MEDVEDEV, DMITRI
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

Press Office

U.S. Department of Homeland Security



U.S. Citizenship
and Immigration
Services

Fact Sheet

Immigration Security Checks—How and Why the Process Works

Background

All applicants for a U.S. immigration benefit are subject to criminal and national security background checks to ensure they are eligible for that benefit. U.S. Citizenship and Immigration Services (USCIS), the Federal agency that oversees immigration benefits, performs checks on every applicant, regardless of ethnicity, national origin or religion.

Since 2002, USCIS has increased the number and scope of relevant background checks, processing millions of security checks without incident. However, in some cases, USCIS customers and immigrant advocates have expressed frustration over delays in processing applications, noting that individual customers have waited a year or longer for the completion of their adjudication pending the outcome of security checks. While the percentage of applicants who find their cases delayed by checks is relatively small, USCIS recognizes that for those affected individuals, the uncertainty can cause great anxiety. Although USCIS cannot guarantee the prompt case, we can assure the public that applicants are not singled out based on race, ethnicity or national origin.

USCIS strives to balance the need for timely, fair and accurate service with the need for integrity in the decision-making process. This fact sheet outlines the framework security check process, explaining its necessity, as well as factors contributing to delayed pending cases.

Why USCIS Conducts Security Checks

USCIS conducts security checks for all cases involving a petition or application for an immigration service or benefit. This is done both to enhance national security and ensure the integrity of the immigration process. USCIS is responsible for ensuring that our immigration system is not used as a vehicle to harm our nation or its citizens by screening out people who seek immigration benefits improperly or fraudulently. These security checks have yielded information about applicants involved in violent crimes, sex crimes, crimes against children, drug trafficking and individuals with known links to terrorism. These investigations require time, resources, and patience and USCIS recognizes that the process is slower for some customers than they would like. Because of that, USCIS is working closely with the FBI and other agencies to speed the background check process. However, USCIS will never grant an immigration service or benefit before the required security checks are completed regardless of how long those checks take.

Welcome To
USCIS San Francisco
Please watch for
your number

E008

(E) NATZ/Adjust. Inquiry Appt.
9:29am 3-14-07